

- 1a. A residential facility for elderly persons may not operate as a business.
 - b. A residential facility for elderly persons shall:
 - I) be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;
 - ii) be consistent with existing zoning of the desired location;
 - iii) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and
 - iv) conform with applicable standards of the State Department of Human Services and be licensed and inspected by that department.
 - 2a. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
 - b. The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15% of that fee;
 - c. A person charging a fee shall:
 - I) keep a record of all expenses and costs related to the fee; and
 - ii) make that record available for inspection by any resident of the facility, the State Department of Human Services, and County building or zoning officials;
 - 3a. The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings;
 - b. A minimum of one off-street parking space for each adult resident person or married couple shall be provided;
 - c. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
 - d. No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons;
 - e. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
 - f. The land use permit and business license granted in accordance with the provisions of this ordinance, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the County's building, safety and health codes or the requirements of this ordinance; and
 - g. The decision by the County regarding an application for a Conditional Use Permit for a Residential Facility for Elderly Persons shall be based upon legitimate land use criteria and shall not be based upon a general discrimination against the grouping of elderly persons in such a facility or because of age and its attendant characteristics. Upon application for a Conditional Use Permit in any area where residential dwellings are allowed, the County shall determine only whether or not the facility conforms to Weber County Zoning Ordinances. If the County determines that the facility complies with the ordinances, it shall grant the requested permit99-26
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